

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

ELTON RAY CROSS  
TX- 1330471-R

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DOCKETED COMPLAINT NO.  
11-312

**AGREED FINAL ORDER**

On this the 17 day of Feb, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Elton Ray Cross (Respondent).

In order to conclude this matter Elton Ray Cross neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Elton Ray Cross is a Texas state certified residential real estate appraiser, holds certification number TX-1330471-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent entered into agreed final order with the Board on August 21<sup>st</sup>, 2009, which required him to complete certain remedial education.
3. Respondent is delinquent in completing the remedial education and experience logs.
4. Thereafter a complaint relating to failure to comply with a final order of the Board was staff-initiated.
5. After receipt of the complaint, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response was received.
6. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.

## CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(23) by failing to comply with a final order of the Board.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent:

- a. Have his certification revoked with that revocation being fully probated for a period of six months (6), under the following conditions:
  - i. During the probated, six month revocation period Respondent shall submit to the Board, within 7 days of completion of the quarter, an appraisal experience log on a form prescribed by the Board. The log shall be submitted every two months and shall detail all real estate appraisal activities he has conducted during the previous two month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of this period of probation within the twenty days of notice of any such request;
  - ii. Respondent shall not sponsor any appraiser trainees during the entire suspension period;
  - iii. Within 3 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 3 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a copy of which is attached to this Agreed Settlement Order, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours;
  - iv. Respondent shall fully and timely comply with all of the provisions of this Agreed Settlement Order;
- b. Respondent shall pay an administrative penalty of \$500.00.

- c. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE REVOCATION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

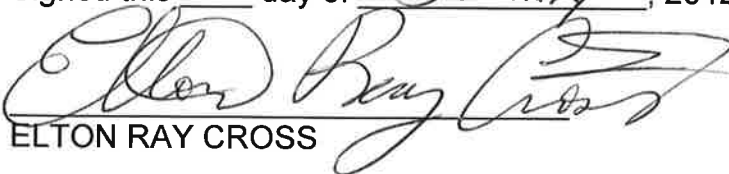
**ANY SUCH REVOCATION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.**

Respondent shall be notified of any such revocation or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

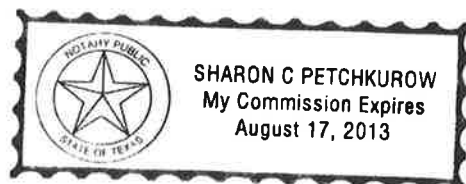
Signed this 19 day of January, 2012.

  
ELTON RAY CROSS

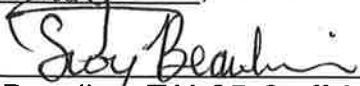
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 19<sup>th</sup> day of January, 2012, by ELTON RAY CROSS, to certify which, witness my hand and official seal.

  
Notary Public Signature

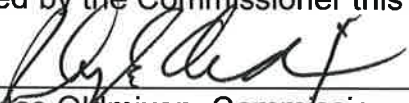
Sharon C Petckurow  
Notary Public's Printed Name




Signed by the Standards and Enforcement Services Division this 16<sup>th</sup> day of February, 2012.

  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 17 day of Feb, 2012.

  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 17 day of February, 2012.

  
Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board